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13. ABSTRACT (Maximum 200 Words) This Instruction implements policy, assigns responsibilities, and prescribes procedures under Deputy Secretary of Defense Policy Memorandum, "Civil Reserve Air Fleet (CRAF) - Commercial Use of Military Airfields," January 11, 1995, for implementation of the CRAF Commercial Access to Military Installations (CAMI) program. It implements Section 9513 of Title 10, United States Code. This Instruction implements the portion of the National Airlift Policy (National Security Decision Directive 280, "National Airlift Policy," June 24, 1987) that directs the Department of Defense to develop policies and programs to increase participation in the CRAF.			
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Department of Defense INSTRUCTION

October 25, 1995
NUMBER 4500.55

USD(A&T)

SUBJECT: Civil Reserve Air Fleet (CRAF) Carrier Commercial
Access to Military Installations for Non-DoD
Operations

- References:
- (a) Deputy Secretary of Defense Policy Memorandum "Civil Reserve Air Fleet (CRAF) - Commercial Use of Military Airfields," January 11, 1995
 - (b) Section 9513 of title 10, United States Code
 - (c) National Security Decision Directive 280, "National Airlift Policy," June 24, 1987
 - (d) Section 2687 of title 10, United States Code, note
 - (e) through (m), see enclosure 1

A. PURPOSE

This Instruction:

1. Implements policy, assigns responsibilities, and prescribes procedures under reference (a) for implementation of the CRAF Commercial Access to Military Installations (CAMI) program.
2. Implements reference (b).
3. Implements the portion of the National Airlift Policy (reference (c)) that directs the Department of Defense to develop policies and programs to increase participation in the CRAF.

B. APPLICABILITY

This Instruction applies to the Office of the Secretary of Defense, the Military Departments, the Chairman of the Joint Chiefs of Staff, the Unified Combatant Commands, and the Defense Agencies. The term "military installation," as used herein, does not include bases, stations, facilities or airfields approved for closure under the Defense Authorization Amendments and Base Closure and Realignment Act (reference (d)).

C. POLICY

It is DoD policy:

1. Where operationally feasible, to permit CRAF carriers the use of designated military installations as weather alternates, as technical stops not involving the enplaning or deplaning of passengers or cargo, or in the case of an

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installation within the United States, for other commercial purposes as stated in this Instruction. Other commercial purposes could involve the enplaning or deplaning of passengers or cargo, but shall not involve international operations. Use of military installations on foreign soil as weather alternates or for technical stops shall be subject to the terms of individual installation basing rights and other agreements with the host nations. The use of military installations in U.S. territories and possessions will continue to be covered by existing arrangements.

2. To exclude airfield joint-use and occasional or one-time commercial air carrier operations at military installations from this directive. They will continue to be governed by existing directives and instructions of the Military Department concerned.

D. RESPONSIBILITIES

1. The Deputy Under Secretary of Defense for Logistics shall provide policy and oversight for the CRAF CAMI program.

2. The Secretaries of the Military Departments shall:

a. Develop procedures implementing the guidance contained in this Instruction.

b. To the maximum extent possible, and within the provisions of the law, ensure funds generated by this program are provided to the servicing installation and are available for obligation during the same period of availability that was applicable to the financing appropriation.

c. As appropriate, establish guidelines to:

(1) Restrict commercial use as necessary to ensure the success of mission requirements.

(2) Impose landing, use, and other service fees in accordance with Military Department policy.

3. The Secretary of the Air Force shall:

a. Issue solicitations for the CAMI program and may contract with CRAF carriers for the use of Air Force installations and, with the consent of the Secretary of another Military Department for installations under that Secretary's jurisdiction, on such terms and conditions as the Secretary determines are necessary to promote the national defense or to protect the interests of the United States.

b. Develop procedures to ensure a fair, consistent and orderly process for CRAF carriers to obtain access to an installation for commercial use.

4. The Under Secretary of Defense (Comptroller) shall establish financial policy and procedures on the disposition of fees collected from CRAF carriers.

5. The Commander in Chief, United States Transportation Command shall act as the single point of contact for the CRAF program under DoD Directive 5158.4 (reference (e)).

E. PROCEDURES

1. General Guidance

a. Only CRAF carriers are eligible to participate in the CRAF CAMI program.

b. Only CRAF carriers that respond to a CAMI solicitation that will result in a contract for an increase to the carrier's minimum required participation level in CRAF, beyond that required in the annual international airlift services contract, and other programs, such as the CRAF Enhancement program and GSA City Pair program, may participate. Only one solicitation shall be issued each year.

c. The solicitation shall specify the procedures for negotiation and shall require the contractor to waive all claims against the United States for any costs incurred by or on behalf of the carrier in obtaining or failing to obtain an agreement to use an installation under this program. In response to the solicitation:

(1) An air carrier may submit a proposal that identifies the installations for which it desires to negotiate, the scope of its proposed operations, and the number and type of additional aircraft it intends to offer to the CRAF program under the CAMI program. CRAF carrier(s) may be authorized by the CAMI contracting officer to negotiate with the Military Department concerned to use an installation after agreement is obtained as to the appropriate CRAF commitment.

(2) The CAMI contracting officer shall provide the Military Departments with a list of eligible carriers and the installations requested. If multiple air carriers identify the same installation, the CAMI contracting officer shall determine the carrier priority for negotiating installation access, and the Military Departments shall be provided with a prioritized list. Prioritization criteria will be included in the solicitation. Unsolicited carrier proposals received by the Military Departments or installation commanders shall be forwarded to the CRAF CAMI contracting officer.

d. After receipt of a CRAF carrier's proposal, the CAMI contracting officer shall forward a copy of the appropriate sections to the Military Departments who shall determine the

feasibility of the air carrier's proposal and whether negotiations for such use would be acceptable to their Department. Negotiations for an agreement may begin when the CAMI contracting officer provides authorization to proceed. If agreement is reached, the Military Department and air carrier shall complete the necessary real property instrument(s) and an installation-air carrier operating agreement as defined in this Instruction, and the Military Department shall provide them to the CAMI contracting officer. Generally, the CAMI contract and the real property instruments shall be executed simultaneously.

e. If the air carrier proposal is not feasible, the Military Department shall so advise the CAMI Contracting Officer and the air carrier may elect to modify or withdraw its proposal. If the air carrier elects to modify its proposal to include or substitute another installation, the procedures as described in paragraphs E.1.c. and E.1.d., above, may be repeated.

f. Under the real property instruments and installation-air carrier operating agreements, CRAF carriers shall be responsible for:

(1) Paying in advance all scheduled or specified fees and charges associated with access to, use of, or abandonment of military installations for commercial purposes, weather alternate use, or technical stops.

(2) Funding and maintaining, for the duration of the real property instrument/operating agreement, any improvements to the installation required for the air carrier's operations.

(3) Funding all costs associated with preparation of all applicable environmental documents to include the costs associated with completing a general conformity determination required by Section 7506 of 42 U.S.C. (reference (f)).

(4) Complying, at its cost and expense, with all applicable Federal, State, interstate, and local laws, including environmental laws and regulations, and maintaining responsibility for any violations, to include any required environmental cleanup, fines and penalties, and increased costs to the installation.

(5) Obtaining, at its cost and expense, required permits or licenses.

(6) Reporting all violations involving environmental laws or regulations.

(7) Paying all taxes associated with the program.

(8) Notifying United States Transportation Command (USTRANSCOM) and the installation concerned when judicial and/or administrative proceedings arise from, or are associated with, the carrier's activities under the CAMI program.

g. For all actions occurring on Federal lands, Section 4321 et seq. of 42 U.S.C. (reference (g)), and its implementing regulations shall apply.

2. Contracting. The CRAF CAMI program is implemented using the CRAF CAMI contract and the following documents, as appropriate: a real property instrument and an installation-air carrier operating agreement.

a. CRAF CAMI Contract

(1) Procedures for Requesting Installation Access. The CAMI Contracting Officer shall issue, in accordance with established contracting procedures, an initial public notice to advise current and potential CRAF carriers of the opportunity to participate in the CRAF CAMI program. If sufficient interest is shown, a solicitation may be issued. The CAMI Contracting Officer may issue additional notices as required to meet CRAF program needs.

(2) Contractual Arrangements. The Secretary of the Air Force shall enter into contracts only with DoD-approved, CRAF air carriers for increased CRAF commitments. United States Commander in Chief, Transportation Command (USCINCTRANSCOM) shall be consulted to determine the appropriate air carrier commitment prior to any contracting for commercial use. As a CRAF program incentive, the contracting officer shall authorize the air carrier to negotiate with the appropriate Military Department(s) for access to military installation(s).

- (3) Contract Content. The contract shall:
- (a) Identify the additional commitment to CRAF.
 - (b) Include a hold harmless clause.
 - (c) Include a reservation of right to exclude air carrier clause.
 - (d) Identify those areas and/or categories of charges that are authorized to be collected from the air carrier by the installation.
 - (e) Include any real property instrument and installation-air carrier operating agreement as an exhibit that is made a part of the contract and provide that in the event of any conflict between the CRAF CAMI contract and the real property instrument or installation-air carrier operating agreement, the real property instrument and installation-air carrier operating

agreement will control, except where otherwise required by reference b.

(f) Contain other terms and conditions as necessary to protect the Government.

(4) Evaluation Criteria for Award of Contract

Award of a CRAF CAMI contract authorizing the air carrier to use a particular military installation shall be made in the best interests of the Government, including the benefit to the CRAF program and mission requirements of the installation involved.

(5) Withdrawal of CRAF commitment. Withdrawal of an air carrier's increased commitment to CRAF, for any reason, shall result in the immediate cancellation of the real property instruments and installation-air carrier operating agreements with military installation(s), the use of which was acquired by virtue of such commitment. However, certain provisions regarding environmental remediation and removal of any facilities added, may, by the terms of such instruments and agreements, continue after such cancellation.

b. Installation-Air Carrier Operating Agreement and Real Property Instrument. Real property instruments and associated installation-air carrier operating agreements are the result of negotiations between the Military Department, installation, and air carrier. These instruments and agreements are governed by Military Department policies and procedures.

(1) The real property instrument or air carrier operating agreement will provide that the installation commander may set such limits on CRAF carrier use of the installation as the commander determines necessary to meet day-to-day, contingency, surge, exercise, or partial mobilization mission requirements, as appropriate.

(2) The real property instrument and air carrier operating agreement will include the CRAF CAMI contract as an exhibit that is made a part of the instrument or agreement and provide that in the event of any conflict between the CRAF CAMI contract and the real property instrument or air carrier operating agreement, the real property instrument or air carrier operating agreement will control except where otherwise required by the CAMI statute.

(3) Enclosure 3 lists areas which, as required and appropriate, should be addressed in such agreements.

c. Financial. The real property instrument or the installation-air carrier operating agreement, as appropriate, will address:

(1) Required air carrier insurance.

(2) Procedures for recovery of charges authorized under the CAMI contract. DoD Instruction 7230.7, (reference (h)), and DoD 7000.14-R, Volume 11B, (reference (i)) and DoD 7220.9-M, Chapter 26, (reference (j)) provide guidance for computing and displaying DoD costs.

(3) Delineation of amounts to be collected from the air carrier for utilities and services (such as ice and/or snow control, crash and/or fire response, and air traffic control); access to Service B equipment for the filing of flight plans; weather support; personnel support; landing fees; fuel; equipment rental; environmental analysis; air permit application, airfield maintenance and/or upgrade, runway rubber removal, runway painting, runway repair, or other charges authorized under the contract.

(4) Payment of scheduled or specified costs to the DoD by the air carrier prior to a service being rendered by the installation.

d. Changes. Changes in the agreements shall be reported to the CAMI Contracting Officer.

e. Duration. The real property instrument(s) negotiated with the Military Department concerned will determine the term of the air carrier's CRAF CAMI contract. Generally, efficient planning and utilization for CRAF aircraft requires long-term commitments rather than month-to-month ones.

f. Renewal/Termination. The Military Departments shall not extend or renew the installation-air carrier operating agreements and real property instruments. Before expiration of the CRAF CAMI contract and the installation-air carrier operating agreements, The CRAF CAMI contracting officer may issue a solicitation and repeat the selection process for access to an installation for commercial use.

3. Disapproval of Air Carrier Requests for Access. The Secretaries of the Military Departments shall notify the Deputy Secretary of Defense when an air carrier's request for access to a military airfield, initially determined to be feasible, is subsequently disapproved. This notification, accompanied by the rationale, shall be routed through the Deputy Under Secretary of Defense for Logistics.

F. EFFECTIVE DATE

This Instruction is effective immediately.



R. Noel Longuemare

Principal Deputy Under Secretary
of Defense (Acquisition & Technology)

Enclosures - 3

1. References
2. Definitions
3. Real Property Instruments

REFERENCES, continued

- (e) DoD Directive 5158.4, "United States Transportation Command," January 8, 1993
- (f) Section 7506 of title 42, United States Code
- (g) Section 4321 et seq. of title 42, United States Code
- (h) DoD Instruction 7230.7, "User Charges," January 29, 1985
- (i) DoD 7000.14-R, Volume 11B, "Reimbursable Operations, Policy and Procedures--Defense Business Operations Fund," December 1994, authorized by DOD Instruction 7000.14, November 15, 1992
- (j) DoD 7220.9-M, "Accounting Manual," Chapter 26, "Reimbursements," October 1983, authorized by DoD Instruction 7220.9, October 22, 1981
- (k) Title 14, Code of Federal Regulations, Part 121, "Certification and Operations: Domestic, Flag, and Supplemental Air Carriers and Commercial Operators of Large Aircraft," January 1, 1994
- (l) Section 9601 et seq. of title 42, United States Code
- (m) DoD 6055.9-STD, "DoD Ammunition and Explosives Safety Standards," October 1992, authorized by DoD Directive 6055.9, November 25, 1983

DEFINITIONS

1. Civil Reserve Air Fleet (CRAF) Commercial Access to Military Installations (CAMI) Contract. A contract authorizing air carrier participation in the CRAF CAMI program in return for a long-term increased commitment of aircraft in excess of the air carrier's minimum CRAF commitment(s).
2. Civil Reserve Air Fleet (CRAF) Carrier. A Federal Aviation Regulation (FAR) Part 121 certificated (14 CFR 121, reference (k)), DoD surveyed, and approved air carrier under contract with the Air Force to commit aircraft and crews for emergencies, contingencies and war.
3. Hold Harmless Clause. An agreement by which the air carrier indemnifies and holds harmless the United States, its agents, employees, and instrumentalities from any action, suit, or claim of any sort resulting from, relating to, or arising out of any activities conducted, or services or supplies furnished, in connection with the contract.
4. Installation-Air Carrier Operating Agreement. An operating agreement outlining the day-to-day working relationships, responsibilities, services supplied, costs, fees and reimbursements, as negotiated between and executed by the Military Department representative and the air carrier.
5. Military Installation. A base, airfield, camp, post, station, yard, center, homeport facility for any ship, or other activity under the jurisdiction of the Department of Defense, including any leased facility to the extent subleasing would be authorized.
6. Other Commercial Purposes. Air carrier activities associated with:
 - a. The transport of cargo or passengers for hire, or
 - b. Any air carrier-controlled facilities or operations.
7. Real Property Instrument. Normally, a lease or license signed by the appropriate Military Department representative and the air carrier providing the authority for air carrier use of a military installation.
8. Reservation of Right to Exclude Air Carrier Clause. A contractual clause stating the Military Department Secretary or delegate concerned may, without providing prior notice and without liability to the United States, deny access to an installation when necessary to meet military mission exigencies.

9. Technical Stop. Use of a military airfield for purposes other than enplaning or deplaning cargo or passengers, such as crew change, refueling, or minor maintenance.

10. United States. The 50 states and the District of Columbia. U.S. territories and possessions are not included.

11. Weather Alternate. An approved military airfield to which a flight may proceed if landing at the airfield to which the flight was dispatched becomes inadvisable due to weather.

REAL PROPERTY INSTRUMENTS

Installation real property instruments and air-carrier Operating Agreements should, as required and appropriate, address the following areas:

1. Environmental Compliance and Liability

- a. Section 4321 et seq. of 42 U.S.C. (reference (g)).
- b. Service inspection of carrier facilities.
- c. Environmental baseline survey.
- d. Section 9601 et seq. of 42 U.S.C. (reference (1)).

2. Facilities

- a. Air installation compatible use zones.
- b. Airfield pavement repairs or improvements.
- c. Installation master plan.
- d. Facility improvements.
- e. Facility maintenance support requirements.
- f. Utilities.
- g. Disposition of installation improvements upon termination of contract and/or abandonment.

3. Airfield Operational Requirements

- a. Installation commander authority.
- b. Federal Aviation Administration (FAA) airfield certification.
- c. Changes in local air traffic control procedures.
- d. Installation and maintenance of additional communications equipment.
- e. Installation and maintenance of additional navigational aids.
- f. Temporary removal and reinstallation of aircraft arresting systems.

g. Hours of operation. The use of military installations by CRAF carriers shall conform to the normal hours of aircraft operations unless modified by prior agreement between the carrier and the Military Department installation commander.

4. Safety

a. Agreements on Industrial and Weapons Safety. Proposed commercial air carrier operations must safely integrate into the military installation's operations regulated by DoD 6055.9-STD (reference (m)).

b. Delineation of accident investigation responsibilities.

5. Security

a. Compliance with FAA, DoD, and Military Department security regulations and guidance as well as local installation security requirements.

b. Installation access procedures for air carrier customers and employees.

c. Flight line access procedures.

d. Procedures for passenger and/or cargo screening.

e. Resource protection.

6. Emergency Response and/or Services

a. Airfield rescue and fire fighting capability.

b. Structural fire fighting capability.

c. Hazardous materials response capability.

d. Medical response capability.

e. Air carrier requirements.

7. Ground Handling

8. Use of Government Equipment

9. Aircraft Maintenance

10. Services

a. Food Service.

b. Lodging arrangements.

c. Mortuary services.

11. Manpower
12. Agriculture
13. Dispute Resolution Procedures
14. Authorized Charges